

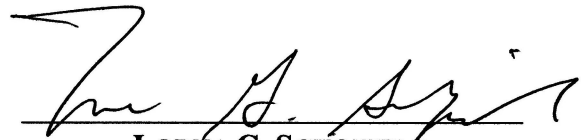
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
SYNTEL STERLING BEST SHORES	:	
MAURITIUS LTD. et al.,	:	
	:	15 Civ. 211 (LGS)
Plaintiffs,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
THE TRIZETTO GROUP et al.,	:	
	:	
Defendants.	:	
	:	
-----	X	

LORNA G. SCHOFIELD, District Judge:

The parties submitted deposition designations to present at trial. The Court's rulings on the parties' objections are as reflected on the attached documents. So Ordered.

Dated: June 22, 2025  
New York, New York

  
\_\_\_\_\_  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

# EXHIBIT 2

# Mehta, Manish

## Standard Transcript Report



**Mehta, Manish**

**2025-02-10**

TriZetto Designations

Syntel Counter Designations



1 MANISH MEHTA  
2 for Syntel and the witness, and  
3 Gretchen Edelman, Erica Newman-Corre  
4 and Emily Vance are also on the  
5 screen.

6 MANISH MEHTA,  
7 having been first duly sworn/affirmed by  
8 the Notary Public (Linda J. Greenstein)  
9 was examined and testified as follows:

10 EXAMINATION BY

11 MR. ALPER:

12 Q. Good morning, Mr. Mehta.

13 A. Good morning.

14 **Q. Could you please state your**

15 **full name.**

16 **A. Manish Mehta.**

17 **Q. And where are you currently**

18 **employed?**

19 **A. I'm employed with Atos Eviden.**

20 **Q. And what is your title there?**

21 **A. Industry head.**

22 Q. You had your deposition taken  
23 before; right?

24 A. Yes.

25 Q. And you understand the

1 MANISH MEHTA

2 BY MR. ALPER:

Syntel Objections:

96:3-96:9

401, 403, W/D, MIL 2, MIL 3, DI  
1494, PTC

3 **Q. Okay. This is going to be**

4 **Exhibit 3. Exhibit 3 is an email exchange**

See Exhibit rulings

5 **that has the Bates number SYNT67442, and**

6 **this is an email exchange from the 2014**

7 **time frame between various people at**

8 **Syntel, including yourself; correct?**

9 **A. Correct.**

10 Q. Okay. And the first email --

11 there are two emails in this exchange.

12 The first one is about halfway down the

13 page. It's from Sandeep Sinha.

14 Do you see that?

15 A. Yes.

16 Q. And it's from September 26,

17 2014.

18 A. Correct.

19 Q. And it's to you and Jerry

20 Matthews; right?

21 A. Correct.

22 Q. And it's copying Ankur Chadha

23 and Murlidhar Reddy; right?

24 A. Yes.

25 Q. And that's Murli Reddy, who we

1 MANISH MEHTA

2 Q. Got it. Did Syntel view

3 TriZetto's product documentation and

4 manuals as valuable to its work in

5 providing TriZetto-related services to

6 customers?

7 MR. LAUFER: Objection.

8 A. Again, my personal opinion,

9 like any software platforms, the

10 documentation is an important part of the

11 documentation, but not the only one.

12 **Q. Okay. So is it fair to say**

13 **that TriZetto's product documentation and**

14 **manuals are one of several valuable**

15 **components to providing TriZetto-related**

16 **services to customers?**

17 **A. I would say so.**

18 Q. Okay. And what are the other

19 valuable components to providing

20 TriZetto-related services to customers?

21 A. It can be -- it can be so many.

22 The people themselves, right, with the

23 valuable knowledge they possess,

24 understanding of clients' involvement,

25 political environment within the client,

1 MANISH MEHTA  
2 here's my question: You're not aware of  
3 any instance where Syntel has provided  
4 Facets-related services where it -- sorry,  
5 let me do that again.

6 **You're not aware of any**  
7 **instance where Syntel provided**  
8 **Facets-related services to a customer**  
9 **without using TriZetto's documentation and**  
10 **manuals; correct?**

11 **A. Correct.**

12 Q. So Mr. Sinha says -- withdrawn.  
13 Mr. Sinha says that the  
14 immediate plans included building Syntel  
15 capabilities using TriZetto's product  
16 documentation and manuals. Did that  
17 actually happen?

18 A. Not to my knowledge.

19 Q. Okay. And you understand  
20 TriZetto disagrees with you on that.

21 MR. LAUFER: Objection.

22 BY MR. ALPER:

23 Q. You and Mr. Laufer talked over  
24 each other so I'll just ask it one more  
25 time and then we'll let Mr. Laufer do his

1 MANISH MEHTA  
2 objection and you can answer, so... I  
3 don't think anyone was saying you should  
4 change your answer. It just didn't come  
5 out in the transcript, so here's my  
6 question: You understand that TriZetto  
7 disagrees with you on the issue of whether  
8 Syntel built its capabilities using  
9 TriZetto's product documentation and  
10 manuals; right?

11 MR. LAUFER: Objection.

12 A. Yeah, I'm aware.

13 Q. Okay. So if we go to the top  
14 of this email, it's from -- it's an email  
15 from Jerry Matthews back to Mr. Sinha and  
16 yourself. Do you see that?

17 A. Yes.

18 Q. This is still Exhibit 3. All  
19 right, and so Mr. -- withdrawn.

20 **So Mr. Matthews says:**

21 **"Sandeep, I like your passion. What is**

22 **important is the direction of your**

23 **thought. It is still out to go for the**

24 **kill. The first kill is next week with**

25 **UHG." Do you see that?**

Syntel Objections:

114:20-115:2

401, 403, W/D, MIL 2, MIL 3,  
DI 1494, PTC

See Exhibit rulings



1 **MANISH MEHTA**

2 **A. Yes.**

3 Q. Okay. And "UHG" is

4 UnitedHealth Group?

5 A. UnitedHealth Group, yes.

6 Q. And Mr. Matthews, where did he

7 fall in the organization? Was he senior

8 to Mr. Reddy or did he report to Mr. Reddy

9 or how does he relate?

10 A. I believe he reported to Mr.

11 Reddy.

12 Q. Okay. And he obviously was in

13 agreement with Mr. Sinha's proposal?

14 MR. LAUFER: Objection.

15 A. My review -- you know, this is

16 sales talk. I don't think this has any

17 agreement or disagreement. It's just

18 passionate individuals doing some sales --

19 sales talk here.

20 Q. And in view of Mr. Sinha's

21 immediate plans to build Syntel

22 capabilities around TriZetto documentation

23 and manuals, it's correct that Mr.

24 Matthews said he liked that and he wanted

25 to go out for the kill; right?

1 MANISH MEHTA

2 MR. LAUFER: Objection.

3 A. Adam, I -- I don't know. I

4 don't think Jerry is specifically

5 pinpointing to one or many lines of

6 Sandeep's email. Again, it's a person who

7 is coming up with some -- you know, his

8 personal views, and Jerry is kind of just

9 putting his own view on top of it. So,

10 again, a bunch of sales -- sales talk

11 going on on this -- on this email.

12 Q. Okay. And Mr. Matthews says --

13 withdrawn. **Mr. Matthews says that if the**

14 **first kill is with UnitedHealth Group,**

15 **that will send a very strong signal to the**

16 **market. Do you see that?**

17 **A. Yes.**

18 Q. And what is he saying there?

19 Why would winning the business or killing

20 -- withdrawn. What is Mr. Matthews, what

21 is your understanding of what Mr. Matthews

22 means when he says, you know, getting a

23 kill?

24 MR. LAUFER: Are you asking him

25 his understanding then or now?

Syntel Objections:

116:13-116:17

401, 403, W/D, MIL 2, MIL 3, DI  
1494, PTC

See Exhibit rulings

1 MANISH MEHTA  
2 customers; in other words, bring other  
3 customers in because you could go tell  
4 them about, you know, how now you're doing  
5 business for a really big company like  
6 UHG?

7 MR. LAUFER: Objection.

8 A. Adam, I was not responsible for  
9 any of this work at that time, but UHG is  
10 a big customer and working with them is  
11 prestigious.

12 **Q. Okay. And so it's fair to say**

13 **that winning the business of UHG would**

14 **help you win other customers' business**

15 **because you could tout that to them when**

16 **you're trying to pitch them?**

17 **A. I would believe so, yes.**

18 Q. Okay. You know, I was going to  
19 ask you, you mentioned about the knowledge  
20 of employees. Is it fair to say that  
21 Syntel's employees working on Facets  
22 service gained valuable knowledge about  
23 servicing Facets from TriZetto's  
24 documentation and manuals?  
25 MR. LAUFER: Objection.

1 MANISH MEHTA

2 MR. LAUFER: Objection.

3 A. I don't think so.

4 Q. Okay. All right.

5 MR. ALPER: Let's do Tab 14.

6 (M. Mehta Exhibit 5

7 marked for identification, multi-page

8 document, email thread, top cover

9 email dated 10/1/14, production

10 numbers SYNT00067231 through

11 00067235.)

12 THE WITNESS: 4-0?

13 MR. ALPER: It's not there yet.

14 It's going to be Tab 14. This is

15 going to be Exhibit 5.

16 THE WITNESS: Yep, I have it.

17 BY MR. ALPER:

Syntel Objections:

145:18-145:24

401, 403, 602, DI 1494, PTC

18 **Q. Okay. So Exhibit 5 is an email**

19 **exchange with various Syntel employees in**

20 **the 2014 time frame, and the first page is**

21 **SYNT67231 and I would just like to direct**

22 **you to the first email in the thread.**

23 **This is going to the second-to-last page.**

24 **A. Second-to-last page.**

25 Q. Yes, and it's about a third up

See Exhibit rulings

1 MANISH MEHTA

2 A. Yes.

3 Q. Who is that?

4 A. I believe he was our -- again,  
5 at this time or not, I'm not sure, but he  
6 was our CEO at one point of time.

7 Q. Okay.

8 MR. LAUFER: In addition to the  
9 other objections I may make, Adam,  
10 I'll just make the same standing  
11 objection on 30(b)(6) scope here.

12 MR. ALPER: Okay, that's fine.  
13 I mean, I disagree with it but we'll  
14 just keep going.

15 BY MR. ALPER:

16 **Q. So if we look at Mr. Mason's**  
17 **email to Mr. Reddy, he says, "Happy to**  
18 **drive. Please help with the following."**  
19 **And then underneath that Mr. Mason says,**  
20 **"External message to clients," and then**  
21 **there's a number of bullet points.**  
22 **Do you see that?**

23 A. Yes.

24 Q. And the first bullet point is:

25 "How can we help - I have

Syntel Objections:  
148:16-149:12  
401, 403, 602, DI 1494,  
PTC

See Exhibit rulings

1 **MANISH MEHTA**

2 **captured some key points in the**

3 **presentation. Key point is 'Syntel is the**

4 **only alternative' in a monopolized**

5 **market.'" Do you see that?**

6 **A. Yes.**

7 **Q. And then the second bullet**

8 **says: "What is our differentiation - We**

9 **are the only company that has these skills**

10 **outside of TriZetto plus Cognizant."**

11 **Do you see that?**

12 **A. Yes.**

13 Q. Is it correct that when it came

14 to servicing TriZetto-related products,

15 there really were only two alternatives:

16 Cognizant/TriZetto on the one hand and

17 Syntel on the other?

18 A. Again, this is too far back in

19 time, Adam. My recollection is that this

20 is more of a sales, you know,

21 encouragement talk. There were many

22 companies who were providing TriZetto

23 services, is my understanding. Infosys

24 was one of them.

25 Q. Okay. But when it came to

1 MANISH MEHTA

2 TriZetto's products outside of Syntel.

3 Q. And when it came to servicing

4 Facets, were there any alternatives other

5 than -- withdrawn.

6 When it came to servicing

7 Facets, were there alternatives, real

8 alternatives, you know, serious

9 alternatives, other than Cognizant,

10 TriZetto and Syntel?

11 A. I -- again, my -- this is dated

12 knowledge that I have, but my

13 understanding is, yeah, there were other

14 companies who did work on Facets, had a

15 good amount of people, talent available on

16 Facets. The answer is yes, Adam.

Syntel Objections:

151:17-151:21

401, 403, 602

See Exhibit rulings

17 **Q. So if you look at the last**

18 **bullet point it says, "What other**

19 **alternatives - No other alternatives for**

20 **customers." Do you see that?**

21 **A. Yes, I read that.**

22 Q. And you are saying that is not

23 accurate?

24 A. My personal view, yes, that is

25 not accurate.

1 MANISH MEHTA

2 **Q. Okay. And the bullet right**

3 **above it says, "Why Syntel - We have**

4 **accelerators, toolkits and teams."**

5 **Do you see that?**

6 **A. Yes, I read that.**

7 **Q. And this is the external**

8 **message to clients about why you should go**

9 **with Syntel; right?**

10 **A. Correct.**

11 Q. And one of the reasons that you

12 should -- withdrawn.

13 Two of the reasons that you

14 should go with Syntel are the toolkits and

15 accelerators; right?

16 A. Again, same part here, Adam. A

17 salesperson expressing, you know,

18 aspirational goals about how they would

19 make a mark in the industry, so this is

20 really generally terms being used here by

21 any salesperson that I've seen.

22 Q. Isn't it correct that when

23 Syntel actually went to prospective

24 clients and existing clients, it would

25 sell -- it would pitch those clients --

Syntel Objections:

152:2-152:10

401, 403, 602

See Exhibit rulings



1 MANISH MEHTA

2 MR. LAUFER: Objection.

3 A. It's -- I'm referenced in this

4 email where I see the subject line is the

5 "TriZetto Plan."

6 **Q. And the very last thing that**

7 **Mr. Reddy says here is that "the army is**

8 **ready"; right?**

9 **A. I read that.**

10 **Q. So from Mr. Reddy's**

11 **perspective, you were part of the army to**

12 **combat TriZetto.**

13 MR. LAUFER: Objection.

14 **A. I wouldn't know how to -- how**

15 **he would have thought about it, but, yes,**

16 **I was reporting to him, up to him, so I**

17 **was part of his organization and he would**

18 **have assigned me any duties that he deemed**

19 **fit.**

Syntel Objections:

157:6-157:12

157:14-157:22

157:24-157:24

401, 403, 602, W/D, MIL

2, MIL 3, DI 1494, PTC

See Exhibit rulings

**Withdrawn**  
**Withdrawn**

23

25 **Q. And TriZetto at the trial**

1 MANISH MEHTA  
2 contended that Mr. Sinha and Mr. Chadha  
3 were two of the people who were  
4 responsible for using TriZetto's trade  
5 secrets and copyrighted information and  
6 putting that into Syntel tools and so  
7 forth; right?

8 A. I'm not aware of that.

9 Q. Okay. All right. Let's go to  
10 another document.

11 MR. ALPER: Let's mark Tab 26.

12 (M. Mehta Exhibit 6

13 marked for identification, multi-page

14 document titled "Presbyterian -

15 Facets 4.71 to 5.01 Technical Upgrade

16 RFP," production numbers

17 SYN\_DMGS-00010362 through 00010391.)

18 A. Okay.



**Withdrawn**



# Withdrawn



4 A. I was not involved in this but

5 it appears -- appears like that.

6 Q. Was this RFP response provided

7 to Presbyterian on November 9, 2012?

8 A. I see that date here so likely,

9 yes.

10 Q. If we go to -- it's page (i).

11 I'll use the Bates numbers, so sorry, let

12 me start that again. If you go to the

13 page with the Bates number 10366, it's

14 like two or three pages in.

15 A. \



# Withdrawn



19 Q. And if \

20 bullet \

21 "Took

22 start that again.

23 The last paragraph leading into

24 the bullet points says, "With a

25 distinctive blend of knowledge,

# Withdrawn

1 MANISH MEHTA  
2 experience, process and enablement tools,  
3 Syntel is uniquely positioned to be your  
4 partner of choice for this initiative. We  
5 believe we reflect the right service match  
6 by infusing the following key dimensions  
7 in our solution." And then if we go to  
8 the second bullet point, it says -- so let  
9 me start that again.

**Withdrawn**

17 Q. And accelerating an upgrade,  
18 that's very important when it comes to  
19 Facets customers; is that correct?  
20 A. Generally, accelerating  
21 anything is good for any client generally.  
22 A case-by-case basis, but, yes, our  
23 sales --  
24 Q. And Syntel offered a Syntel  
25 toolkit to accelerate a customer's Facets

- 1 MANISH MEHTA  
2 upgrade; right?  
3 A. I'm not aware of it, but I see  
4 that here in this document.

**Withdrawn**

- 12 Q. And then it goes on to say:  
13 "Our version X to Y conversion  
14 metadata accelerates remediation and makes  
15 it procedure driven." Do you see that?  
16 A. Yes.  
17 Q. And then it says: "Our  
18 built-in test accelerator (Step-UP Test),  
19 the core product testing cycle is  
20 accelerated with automation of over 500  
21 scenarios across enrollment, provider,  
22 claims, billing and CWS."  
23 Dc  
24 A. Ye

**Withdrawn**



# Withdrawn



6 Q. Okay. And --

7 MR. LAUFER: Note my objection

8 to this scope issue that we've talked

9 about.

10 MR. ALPER: Okay.

11 BY MR. ALPER:

12 Q. And then -- hold on a second.



# Withdrawn





**Withdrawn**

25 Q. Okay. What is "Step-UP Probe"?

1 MANISH MEHTA



# Withdrawn

7 Q. Okay. And then if you go down  
8 two boxes in that same "Benefit Delivered"  
9 column to the very last bullet it says,  
10 "Reduction in custom code" -- it talks  
11 about -- withdrawn.

12 On the left side it talks about  
13 "Customization and Integration  
14 Experience," and then on the right side it  
15 talks about a "Better ROI on each  
16 customization," and then, "Reduction in  
17 custom code as new features gets added in  
18 the core products." Do you see that?

19 A. Yes.

20 Q. And that's a benefit that  
21 Syntel offers its customers, is you say  
22 "Hey, we're going to go in there, we're  
23 going to reduce the custom code and that's  
24 going to allow you to do easier upgrades  
25 in the future." Is that fair?



1 MANISH MEHTA

2 what you described doing.

3 Q. Okay. So you could use -- at

4 least at some point in time you could use

5 the Data Dictionary for upgrades or also

6 when you're adding functionality to a

7 customer's Facets database?

8 A. I could foresee one using this

9 tool to make their work a little easier.

10 Now, without that can you do it? Yes, the

11 answer is yes, without this tool you can

12 do it. The tools just make it a little

13 easier for you to do it.



# Withdrawn

19 Q. All right. If you look at page

20 12759, it's probably around PDF page 38?

21 A. 38?

22 Q. I think so. I have a paper

23 copy so I'm not positive, but I'm guessing

24 that's where it's about.

25 A. 12758.

- 1 MANISH MEHTA
- 2 Step-UP Test, but later that was referred
- 3 to at Syntel as the factory; is that
- 4 right?
- 5 A. I'm not aware -- I'm not aware
- 6 of the name transition.
- 7 Q. Okay. And you'd agree that the
- 8 use of test cases and automation scripts



**Withdrawn**

- 15 Q. What are ICD 10 tools, do you
- 16 know what that means?
- 17 A. Again, this is very old -- old
- 18 knowledge, Adam. Healthcare went to a
- 19 regulatory mandate. Every healthcare
- 20 customer who were on ICD 9 were required
- 21 to migrate templates to ICD 10 because
- 22 this is a medical course with the
- 23 government -- federal government mandated
- 24 to be upgraded.
- 25 Q. Did the migration of --

1 MANISH MEHTA  
2 work and also the less complex work so  
3 they just have fewer vendors doing all of  
4 this stuff?  
5 A. There are a few scenarios like  
6 that. So one example is what you said,  
7 have one vendor do more complex than other  
8 vendors do. They can be split where they  
9 will have one vendor do claims work, the  
10 other vendor do membership work, so they  
11 split and slice and dice it the way they  
12 feel more appropriate, but your example is  
13 one of the many splits they can do in a  
14 vendor consolidation.

**Withdrawn**

21 Q. Okay. Is it correct that when  
22 Syntel is hired by customers who have  
23 Facets that Syntel is hired sometimes to  
24 do both the complex work and the less  
25 complex work?

- 1 MANISH MEHTA
- 2 A. Yeah, depending on the scope of
- 3 the client, Syntel can do -- potentially
- 4 do both types of work.



**Withdrawn**

- 19 Q. And that was going to be my
- 20 very next question so I'll ask it.
- 21 It's typical in the industry,
- 22 it's typical in the industry for there to
- 23 be vendor consolidation where the vendors
- 24 will look to take over the complex and
- 25 less complex work all under one roof;

1 MANISH MEHTA

2 correct?

3 A. General statement, yes, but

4 sometimes companies do voluntarily get out

5 of certain piece of work so that's also

6 strategy. So they will get out of a work

7 where they believe they will not be

8 selected because their knowledge or their

9 experience is not that great.

10 So, yes, but generally the idea

11 is to get the largest volume of the

12 wallet's share, that's a general sales

13 tactic.

14 Q. In your experience, well



# Withdrawn

19 Q. Okay. If you look at the very

20 last page of Exhibit 9.

21 A. The last page, scroll all the

22 way down?

23 Q. Yes, it says "Metadata" at the

24 top.

25 A. Yes.

1 MANISH MEHTA  
2 would have files relating to other  
3 customers even though you weren't  
4 specifically assigned to that customer?  
5 A. It's not uncommon that -- I may  
6 be called for a meeting to present certain  
7 information, so it's not uncommon to have  
8 these files present.

9 Q. Okay.

10 MR. ALPER: Let's mark Tab 10,  
11 please.  
12 (M. Mehta Exhibit 10  
13 marked for identification, multi-page  
14 document titled "Syntel Response For:  
15 UnitedHealth Group Facets Upgrade,"  
16 production numbers SYNT00073997  
17 through 00074079.)

18 THE WITNESS: Exhibit 10?

19 MR. ALPER: Yes.

20 BY MR

**Withdrawn**

**Is Exhibit 10**

1 **MANISH MEHTA**

2 **Syntel's response to UnitedHealth's RFP?**

3 **A. It looks like it, yes.**

4 **Q. And UnitedHealth was a major**

5 **customer, very big customer; right?**

6 **A. It was a big customer, yes.**

7 Q. Okay. Which is bigger, CDPHP

8 or UnitedHealth?

9 A. From a company standpoint,

10 United Healthcare is a much larger

11 company.

12 Q. So if you go to Slide 4.2 --

13 I'm sorry, let me direct you to a page.

14 If you go to page 74010.

15 A. Do you know the number of the

16 page?

17 Q. I think it's probably page 9 in

18 the PDF, but I'm not positive because I

19 have a paper copy.

20 A. What's the Bates number?

21 Q. 74010.

22 MR. LAUFER: While you're

23 scrolling, I'll just make the same

24 standing objections to scope.

25 MR. ALPER: Okay.

1 MANISH MEHTA

2 A. Okay, I'm here.

3 **Q. Okay. So at the bottom of page**

4 **74010 is Section 4.2, "Syntel Credentials**

5 **and Value Adds." Do you see that?**

6 A. Yes.

7 **Q. And it says: "We are well**

8 **positioned to execute on above vision**

9 **because of the following unique**

10 **credentials." Do you see that?**

11 A. Yes.

12 **Q. And there's a heading after**

13 **that that says "Facets Upgrade Tools and**

14 **Accelerators." Right?**

15 A. Correct.

16 **Q. And you'd agree that Syntel's**

17 **Facets upgrade tools and accelerators are**

18 **very important unique value adds for**

19 **Syntel; correct?**

20 A. Again, Adam, I'll state what

21 **I've been stating. They are one of many**

22 **things that are important for a client.**

23 Q. Okay. Do you know why in the

24 UHG response the upgrade tools and

25 accelerators are listed first in the --



1 MANISH MEHTA

2 under the section about "Syntel

3 Credentials and Value Adds"?

4 A. No, I wouldn't know that. If

5 somebody would have drafted it may have

6 felt that important, but I -- I don't have

7 the knowledge of this.

8 Q. Okay. If you were creating an

9 RFP response, would you put the tools and

10 accelerators first?

11 MR. LAUFER: Objection.

12 A. Again, this is a point in time,

13 Adam, at that time if I believed that the

14 customer has a specific preference, it all

15 depends on time. So, sorry, I can't

16 answer that because I was not the author

17 of this.

18 **Q. Okay. If we look at the table**

19 **on page 74011, there's a number of**

20 **different tools and accelerators that are**

21 **listed. Do you see that?**

22 **A. Yes.**

23 **Q. And the second row refers to**

24 **"Impact Assessment and Remediation."**

25 **Do you see that?**

1       **MANISH MEHTA**

2       **A. Yes.**

3       **Q. And the tool that's being**

4       **referred to there is the Step-UP toolkit.**

5       **Do you see that?**

6       **A. Yes.**

7       Q. And that's for the automated  
8       impact analysis of custom code; is that  
9       correct?

10      A. It doesn't say that here but it  
11      can be for that, yes.

12      Q. Okay. What other purposes  
13      would you use the Step-UP Probe tool for  
14      besides identifying the impact of custom  
15      code?

16      A. Adam, I offered my view or  
17      detailed view on this topic. Step-UP  
18      Probe is nothing, just a search, find --  
19      like you have on our computers. You know,  
20      I think, if my memory serves correctly,  
21      this was created for the ICD 9 government  
22      project, like a search plus, plus tool. A  
23      search -- anything and everything that you  
24      search for. So, again, it's been -- it's  
25      been used here and it's been overly

1 MANISH MEHTA  
2 so it's not my personal knowledge --  
3 sorry, it's not my personal experience,  
4 but personal knowledge says that any tool  
5 that you can help -- can help you to some  
6 degree. What that degree is, is it  
7 30 percent or less? I don't know.  
8 Q. Okay. If we go to the next --  
9 and you'd agree here -- withdrawn.

10 **Let's go to the next row. It**  
11 **says "Test Automation," and that refers to**  
12 **500-plus regression test cases; right?**

13 A. Yes.

14 Q. And then it says that those  
15 will be "leveraged for building CSP Facets  
16 automation suite." Do you see that?

17 A. I see that.

18 Q. So you're going to leverage the  
19 test cases in order to create automation  
20 scripts?

21 A. That's how it reads here.

22 Q. Okay. And if we go down two  
23 more it says "Rapid Application Reference  
24 Tools" and it talks about the Data  
25 Dictionary. Do you see that?

1 **MANISH MEHTA**

2 **A. Yes.**

3 Q. Okay. And you agree that here  
4 in this RFP response to UnitedHealth,  
5 Syntel is pitching the importance of three  
6 items that TriZetto contends were  
7 misappropriated from TriZetto: The  
8 Step-UP Probe tool, the test cases and the  
9 automation scripts and the Data  
10 Dictionary; correct?

11 MR. LAUFER: Objection.

12 A. Adam, again, I saw the  
13 injunction and similar tools were listed  
14 there, so, yes, with my review it appears  
15 so.

16 Q. Okay. All right. Let's go to  
17 page 74013, please. It's going to say at  
18 the top "Section 5. CSP Facets Inventory:  
19 Analysis and Observations."  
20 Do you see that?

21 A. Yes.

22 Q. And what does "CSP" stand for?

23 A. I don't know.

24 Q. Okay. If you look at the first  
25 paragraph it talks about:

1 MANISH MEHTA

2 the key factors to a solution for -- this

3 Syntel solution for its Facets customers?

4 A. It's appearing as one of the

5 key factors, yes.

6 Q. And you agree with that?

7 A. It's listed here, one of the

8 many things which are important for the

9 client, but it's one of the many things

10 listed as key factor.

11 Q. And we're talking about it, so

12 let me just ask the question more

13 specifically or more -- without the "it,"

14 so here's my question for you:

15 **Do you agree that leveraging**

16 **Syntel's tools to reduce effort, risk and**

17 **add speed to project execution is a key**

18 **factor in Syntel's solution for its Facets**

19 **customers?**

20 **A. Adam, it's one of the many key**

21 **factors, yes.**

22 Q. It's one of the four key

23 factors.

24 A. Again, depending on which

25 section you observe, you know, you will

1 MANISH MEHTA

2 see different views expressed, but it's  
3 always one of the key factors. No company  
4 will choose you for the tools alone, Adam.

5 Q. And you said "many key  
6 factors," so how many key factors are  
7 there?

8 A. Relationship, knowledge of  
9 people, price. Price is obviously the key  
10 factor in pretty much everything I've come  
11 across, right, so that's why, you know, I  
12 just wanted to state it that tools --  
13 something like this just adds more  
14 capability, but not the capability that  
15 will help you win our business.

16 Q. So Syntel's tools for reducing  
17 effort, risk and adding speed to project  
18 execution, that's one of the key factors  
19 for Syntel's solution for Syntel's Facets  
20 customers; correct?

21 MR. LAUFER: Objection.

22 A. OI

23 ye

**Withdrawn**



# Withdrawn

5 Q. So the other okay factors are

6 the people, knowledge, price and

7 relationships?

8 A. Adam, it can be many, right?

9 I'm just giving you examples of some of

10 those key factors. You know, these are

11 our complex client pursuits. One or two

12 things does not necessarily take you to

13 the finish line. So, again, I'm just

14 offering you my personal experience here.

15 What exactly transpired in United

16 Healthcare example, I was not aware.

17 Q. Okay. Is it correct that by

18 deploying tools that reduce effort and add

19 speed to project execution, that that

20 allows you to offer the project to the

21 customer at a lower price?

22 A. Again, it all depends on a

23 case-by-case basis, Adam. Not always

24 necessary. Again, price is the factor

25 that has a combination of how you are

1 MANISH MEHTA

2 A. Broadly speaking, yes, that's

3 how -- the way it should work.

4 **Q. Okay. So deploying tools that**

5 **reduce effort and add speed to the project**

6 **execution would tend to allow you to offer**

7 **the customer a lower price than if you**

8 **didn't have the tools and the project was**

9 **therefore going to require more effort and**

10 **take longer; is that fair?**

11 **A. That is fair, but, again,**

12 **tools, price is just one dimension of the**

13 **tool's angle, right? So, yes, it can**

14 **definitely help you optimize your price.**

15 Q. Okay. And just so we're

16 100 percent to make this clear because --

17 you said this a few times but I just want

18 to ask it straight up.

19 The price of a project is what

20 you consider to be the most important

21 factor on whether you get the business;

22 fair?

23 A. A lot of times price is the

24 important factor, yes.

25 Q. Okay. And by "bottom factor,"



1 MANISH MEHTA  
2 THE VIDEOGRAPHER: We are back  
3 on the record. The time is 3:59 p.m.  
4 BY MR. ALPER:

5 **Q. All right. Could you, in**

6

7

**Withdrawn**

10 **A. Okay.**

11 **Q. At the top of the page there is**

12 **a subheading that refers to "Facets Tools**

13 **& Accelerators." Do you see that?**

14 **A. Yes.**

15 **Q. And we see the Step-UP Probe,**

16 **the D-2 Data Dictionary and the FACtORY**

17 **there; right?**

18 **A. Yes.**

19 Q. And it's your understanding  
20 that the "FACtORY," that's the repository  
21 with the Facets test cases and automation  
22 scripts; correct?

23 A. Yes, I read the description  
24 below, it appears so.

25 Q. Okay. And you don't disagree

1 MANISH MEHTA  
2 with that description; right?  
3 A. I don't have firsthand  
4 knowledge, but it looks like -- it looks  
5 lik

**Withdrawn**

Objections:  
!78:15  
-279:4  
3, DI 1494, PTC

**The Step-UP Probe and the**

Overruled

10 **D-2 Data Dictionary and the FACTORY with**  
11 **the test cases and automation scripts,**  
12 **those are things that TriZetto says were**  
13 **stolen from -- were misappropriated from**  
14 **TriZetto.**

15 **A. As far as similar listed tools**

16 in the injunction.

17 **Q. Okay. And it's correct that**

18 **those items were misappropriated from**

19 **TriZetto; right?**

20 **A. Yeah.**

**Withdrawn**



# Withdrawn



- 5 Q. Okay. And is it correct that
- 6 -- let's just kind of walk through this a
- 7 little bit. The first bullet is "Facets
- 8 Support Services." Do you see that?
- 9 A. Yes.



# Withdrawn



- 22 Q. Okay. And did Syntel perform
- 23 Facets support services to any other
- 24 Facets customers?
- 25 A. I believe we are doing some

1 MANISH MEHTA

2 Q. Okay. But do you know in

3 connection with CDPHP? I guess you don't

4 know because you did get the upgrade work.

5 I'm asking for what would have

6 happened had you not, so... let me ask it



**Withdrawn**

19 Q. For Blue Shield, Syntel did not

20 do upgrade work but is nonetheless doing

21 Facets support services and other beyond

22 upgrade-type work?

23 A. Some stuff, some work we are

24 doing that can be termed as Facets support

25 work as a staff up business.

1 MANISH MEHTA



# Withdrawn

7 Q. Okay.

8 MR. ALPER: Let's mark Tab 39.

9 (M. Mehta Exhibit 11

10 marked for identification, multi-page

11 document titled "Facets CSP Upgrade"

12 dated October 2014, production

13 numbers SYNT0074081.)

14 MR. ALPER: Exhibit 11.

15 Exhibit 11 --

16 THE WITNESS: I don't have it.

17 MR. ALPER: You don't have it

18 yet. Sorry.

19 THE WITNESS: Just got it.

20 MR. ALPER: Okay. Exhibit 11

21 is numbered SYNT74081 and it's a UHG

22 proposal presentation from

23 October 2014.

24 BY MR. ALPER:

25 Q. Do you see that?

1 MANISH MEHTA

2 the best of my knowledge.

3 Q. Okay. Do you know which

4 customer that first row relates to or

5 refers to?

6 A. I wouldn't know at this time.

7 Q. And -- I'm sorry. I cut you

8 off. Just looking here, can you tell any

9 of the -- what any of these refer to?

10 A. No. This is so old, and we

11 worked for many, many years with TriZetto,

12 so there's no way for me to even validate

13 or find out, it's so old data.

14 Q. Yeah, okay. All right. Do you

15 ever -- withdrawn. But it's helpful for

16 you to get new customers by touting your

17 experience with other customers; right?

18 A. It is always helpful to state

19 experience, learned experience for a given

20 project need, yes.



# Withdrawn

# Withdrawn

# Withdrawn

2 MR. L

5 Q. Yes. And that also shows --

6 withdrawn. When another big company hires

7 Syntel to do its Facets work, it also

8 shows that another well-known company

9 trusts Syntel and believes that Syntel is

10 the right choice to do that type of work;

11 right?

12 A. Each company has their own

13 decision cycle, but generally, having --

14 showing those experiences, credential

15 helps.

16 Q. Okay. Let me ask you, I'm

17 going to show you -- let's look at Tab 51.

18 Let's load Tab 51.

19 (M. Mehta Exhibit 12

20 marked for identification, multi-page

21 document titled "Schedule 2-20167 EAS

22 2016 Portfolio for CDPHP," dated

23 12/7/15, production numbers

24 SYN\_DMGS-00004053 through 00004094.)

25 THE WITNESS: I still don't

1 MANISH MEHTA

2 THE WITNESS: Not up yet for  
3 me. Tab 50?

4 MR. ALPER: It is 58.

5 THE WITNESS: 58, yep, I have  
6 it.

7 BY MR. ALPER:

Syntel Objections:

307:8-307:21

401, 403, DI 1494, PTC, DI 1523

8 **Q. Okay. So Exhibit 15 is a**

9 **native file but it is numbered SYNT143249.**

See Exhibit rulings

10 **A. Yes.**

11 **Q. And it is a presentation**

12 **entitled "Expanding TZ Footprint."**

13 **Do you see that?**

14 **A. Yes.**

15 **Q. And is this a Syntel strategy**

16 **document?**

17 **A. "A Disruptive Team Augmentation**

18 **Strategy."**

19 **Q. And you recognize this as a**

20 **Syntel document?**

21 **A. Yes.**

22 Q. And if you look at the metadata  
23 sheet, which is one of the first pages,  
24 you can see you're a custodian of this.  
25 Do you see that?



1 MANISH MEHTA

2 A. First page I don't see that  
3 anywhere.

4 Q. Second page?

5 MR. LAUFER: It's the last  
6 page.

7 MR. ALPER: Sorry, last page.

8 A. Yes, I see my name.

9 **Q. And then if you look on the**

10 **lower left it says "Date-Time Modified,**

11 **April 6, 2015." Do you see that?**

12 **A. April 6, 2015, yes.**

13 Q. And do you have any reason to  
14 doubt that this document is from the  
15 April 2015 time frame, this Exhibit 15?

16 A. I wouldn't remember.

17 Q. Okay. And so if we go to -- so  
18 generally speaking, this is a competitive  
19 -- Exhibit 15 is a competitive strategy  
20 document that is talking about competing  
21 against TriZetto?

22 A. I -- I don't know the purpose  
23 of this document, Adam, so I'm not able to  
24 offer my perspective.

25 **Q. Okay. And let's go to Slide 5.**

Syntel Objections:

308:9-308:12

401, 403, DI 1494, PTC, DI  
1523

See Exhibit rulings

Syntel Objections:

308:25-309:9

401, 403, DI 1494, PTC,  
DI 1523

1 MANISH MEHTA

2 A. 5? Okay.

3 Q. And it's called "Pricing

4 Options."

5 A. Yes.

Syntel Objections:

309:6-309:9

401, 403, DI 1494, PTC, DI

1523

See Exhibit rulings

Withdrawn

10 MR. LAUFER: I have the same  
11 standing objection to this line of  
12 testimony.

13 EXMR. LAUFER:

14 Q. I'

Withdrawn

l Objections:

5-310:17

403, DI 1494, PTC, DI

1523

17 Q. Yes. And in the table,

18 Syntel's price is listed at 68,000; is

19 that correct?

20 A. R

Withdrawn

24 Q. And TriZetto's price is listed

25 at 170,000; right?

1 **MANISH MEHTA**

2 **A. Correct.**

3 **Q. And these are listed as monthly**

4 **charges?**

5 **A. Per month, yes.**

6 **Q. Okay. And so Syntel's price is**

7 **less than half TriZetto's price; correct?**

8 **A. Yes.**

9 **Q. And so Syntel is offering**

10 **services for a significantly cheaper price**

11 **than TriZetto; correct?**

12 **A. That's what this slide says**

13 **here.**

14 **Q. Okay. And Syntel is**

15 **strategically positioning itself as a**

16 **cheaper alternative to TriZetto or**

17 **Cognizant; correct?**

18 **MR. LAUFER: Objection.**

19 **A. That's what this strategy says.**

20 **I don't recollect this ever being put into**

21 **motion, but the slide and the strategy is**

22 **-- is that, cheaper option.**

23 **Q. And are you aware -- you kind**

24 **of answered this already but I'll ask it.**

25 **Are you aware of a strategy at**

Syntel Objections:  
310:19-310:22  
401, 403, DI 1494, PTC,  
DI 1523

Sustained as to 310:14-22

1 MANISH MEHTA

2 Syntel to position itself as a cheaper  
3 alternative to Cognizant and TriZetto?

4 A. Not that I'm aware of.

5 Q. Okay. And this talks about a  
6 POD, P-O-D. What's a POD?

7 A. Again, this is a long time ago,  
8 you know, from -- if my memory serves  
9 correctly, we say that we can create  
10 themes of people who have got the most  
11 common skills that the customers can buy  
12 rather than having to go to different  
13 companies to service their need. So it's  
14 a self-contained unit of people.

15 **Q. Okay. Did Syntel believe that**  
16 **in order to compete with TriZetto it would**  
17 **need to have lower prices than TriZetto?**

18 **A. Adam, that's a general**  
19 **expectation in our industry. Price does**  
20 **play an important role, not just for**  
21 **TriZetto, but any other work, so having a**  
22 **price advantage is something that**  
23 **everybody tries to do.**

24 Q. Okay. And is it in your  
25 experience -- withdrawn. In your

Syntel Objections:  
311:15-311:23  
401, 403, DI 1494, PTC, DI 1523

Overruled

1 MANISH MEHTA  
2 I know that TriZetto's prices  
3 were higher when I was managing TriZetto  
4 just because I was in the environment, we  
5 used to do joint sales presentations so I  
6 got -- we jointly, you know, priced a lot  
7 of these deals, but after that I have no  
8 idea to make that determination.

9 Q. Okay. There's four points at  
10 the bottom of this slide on Slide 5, and  
11 the third point --

12 A. Yeah.

13 Q. I'm sorry, I talked over you.

14 The third point -- I'm sorry.

15 **You see the four points at the bottom half**

16 **of Slide 5, and the third point say**

17

18

**Withdrawn**

**Withdrawn**

See Exhibit rulings

20 A. Yes.

21 Q. All right. Thank you.

22 What does that refer to?

23 A. Same thing that we have been

24 saying. In our industry pricing is

25 important. Offering attractive

1 **MANISH MEHTA**

2 **price-point as a strategy can lead to**

3 **longer-term engagements.**

4 Q. Offering an attractive --  
5 withdrawn. Offering a lower price will  
6 help Syntel get it's foot in the door that  
7 could then lead to long-term engagements.  
8 Is that what this is saying?

9 A. Adam, at this time, getting the  
10 foot in the door was obviously important,  
11 but taking care of the people who were  
12 getting dislodged was more important. So  
13 by lowering the prices, if that helps to  
14 find projects for them, that was probably  
15 one of the sales attempt was being made  
16 here.

17 Q. Okay. But if you lower prices  
18 that will increase the chances you get the  
19 business and then you can keep the  
20 business for a longer term. Is that what  
21 is going on here?

22 MR. LAUFER: Objection.

23 A. That's a general statement  
24 across the board, Adam. It's just not  
25 here. It's applicable everywhere. But

1 MANISH MEHTA  
2 here I think, you know, if I remember,  
3 this is the time when we had hundreds of  
4 people coming on bench. We had to find  
5 them continued projects. And if one of  
6 the aspect was to lower the price and have  
7 them find the project, this is probably a  
8 sales attempt to -- to get that  
9 accomplished.

10 Q. Okay.

**Withdrawn**

18 Q. You've talked a bit about  
19 Syntel's need in the -- was it 2015.  
20 When was the Cognizant purchase  
21 of TriZetto, 2015?  
22 A. End of 2014 is -- if I remember  
23 correctly, yeah.  
24 Q. Okay. So you've talked a bit  
25 about the need for Syntel to find work for

1 MANISH MEHTA

2 copyrights; right?

3 MR. LAUFER: Objection.

4 A. Adam, I respect the jury

5 verdict and the injunction that came up, I

6 respect that decision from the jury.

7 Q. And it's your understanding

8 that that's what happened; right?

9 MR. LAUFER: Objection.

10 A. To the best of my knowledge,

11 when I read it, that's what I took it from

12 that.

**13 Q. Okay. And you'd agree that**

**14 Syntel should not be allowed to**

**15 misappropriate TriZetto's trade secrets**

**16 and infringe TriZetto's copyrights for**

**17 free; right?**

Syntel Objections:

320:13-320:17

320:19-320:19

401, 403, DI 1494, PTC, DI

1523, LC

**Sustained**

18 MR. LAUFER: Objection.

**19 A. I don't know about that, Adam.**

20 Q. Okay. But just as a person --

**21 withdrawn. You've been around technology**

**22 for decades; right? Can you say again?**

**23 A. Yes.**

Syntel Objections:

320:21-321:4

401, 403, MIL 9, DI 1494,

PTC, DI 1523, LC

**24 Q. And you understand that there**

**Overruled**

**25 is -- there can be a lot of value**



1 **MANISH MEHTA**

2 **associated with the development of**

3 **technologies; right?**

4 **A. Correct.**

5 Q. And people can protect --

6 withdrawn. **Companies can protect their**

7 **technologies by keeping them as trade**

8 **secrets or getting copyrights on them;**

9 **correct?**

10 **A. Correct.**

11 Q. Okay. And you'd agree that the

12 **development of intellectual property, like**

13 **trade secrets and copyrights, is**

14 **critically important to economies all over**

15 **the world; right?**

16 MR. LAUFER: Objection.

17 **A. To my understanding, yes.**

18 Q. Okay. And you'd agree just as

19 **a person who's been in the technological**

20 **field for decades that Syntel should pay**

21 **for misappropriating TriZetto's trade**

22 **secrets and infringing TriZetto's**

23 **copyrights; correct?**

24 MR. LAUFER: Objection.

25 **A. I don't know about that, Adam.**

Syntel Objections:

321:6-321:15

401, 403, DI 1494, PTC, DI  
1523, LC

Overruled as to 321:6-17

Syntel Objections:

321:17-321:23

401, 403, DI 1494, PTC, DI 1523,  
LC

Sustained as to 321:18-25

Syntel Objections:

321:25-321:25

401, 403, DI 1494, PTC,  
DI 1523, LC

Sustained 321:25

1 MANISH MEHTA

2 Q. And you agree that Syntel  
3 should do something -- withdrawn.

4 **You'd agree that Atos and**

5 **Syntel should do something to remediate**

6 **for its trade secret misappropriation and**

7 **copyright infringement; correct?**

8 MR. LAUFER: Objection.

9 **A. I don't know about that, Adam.**

10 **Q. And is there any set of**

11 **circumstances where you can think of where**

12 **it would be fair for a company that has**

13 **misappropriated another company's trade**

14 **secrets and infringed another company's**

15 **copyrights where it just gets off for**

16 **free?**

17 **A. I don't know.**

18 Q. You can't think of any?

19 A. Again, I'm not a lawyer, Adam,  
20 so I don't...

21 Q. Okay. And if Syntel or Atos's  
22 trade secrets or intellectual property was  
23 improperly taken from it, you'd want to --  
24 you'd want Syntel to be compensated for  
25 that; right?

Syntel Objections:

322:4-322:7

401, 403, DI 1494, PTC,  
DI 1523, LC

Sustained 322:4-9

Syntel Objections:

322:9-322:17

401, 403, DI 1494, PTC,  
DI 1523, LC

Sustained 322:10-17

- 1 MANISH MEHTA
- 2 trade secret misappropriation or copyright
- 3 infringement in this matter; correct?
- 4 A. I don't remember doing that.
- 5 Q. Okay. Final question.



**Withdrawn**



**Withdrawn**

- 8 Q. And what Mr. Chadha is doing is
- 9 he's asking -- withdrawn.




**Withdrawn**



# Withdrawn



6 MR. LAUFER: Ob



# Withdrawn



9 Q. And the purpose -- withdrawn.

10 Ms. Muthuraman is asking Mr.

11 Chadha to get manuals from some other

12 customer -- TriZetto manuals from some

13 other customer work that Syntel was doing

14 and give them to the team that was working

15 on UnitedHealth; is that correct?

16 MR. LAUFER: Objection.

17 A. It doesn't appear like that to

18 me, Adam. Again, I don't have the

19 specifics, but it doesn't appear like that

20 to me by reading this email.

21 Q. Okay. And Mr. Chadha here

22 writes "T\$Z" instead of "TZ" to refer to

23 TriZetto so that if this email was ever

24 searched for "TriZetto" or "TZ," that

25 wouldn't -- this email wouldn't come up;

# EXHIBIT 4

# Moore, Daniel

## Standard Transcript Report



**Moore, Daniel**

**2018-02-16**

**Moore, Daniel**

**2018-05-25**

TriZetto Designations

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1 ATTORNEYS' EYES ONLY - DANIEL M. MOORE

2 EXAMINATION

3 BY MR. CUTRI:

4 Q. Good afternoon, Mr. Moore. How are  
5 you?

6 A. Fine.

7 **Q. Would you please state your full name**  
8 **for the record.**

9 **A. Daniel Michael Moore.**

10 Q. And because your name's a little bit  
11 common, do you mind telling us your home address  
12 just so we can separate you from any other Dan  
13 Moore that might be out in the world?  
14 MR. ANKERS: If you do mind, I would  
15 make this commitment to you: If we ever  
16 lose control over him, we'll give you his  
17 address.

18 **Q. All right. How about this. Why**  
19 **don't you tell me where you work.**

20 **A. I work at Syntel.**

21 Q. Have you ever been deposed before?

22 A. Yes.

23 Q. How many times?

24 A. To my recollection, once.

25 Q. And in what context was that



1 ATTORNEYS' EYES ONLY - DANIEL M. MOORE

2 Q. So you didn't speak with Mr. Mrkonic,  
3 correct?

4 A. That is correct. I answered no, I  
5 did not speak to anybody else.

6 Q. I'm not trying to make this  
7 difficult. Sometimes it's just good to have  
8 clarification on certain issues, and that's why  
9 I'm asking those questions.

10 And did you meet with anyone? You  
11 said you spoke to Mr. Ankers. That was by  
12 phone?

13 A. It was in person.

14 Q. Was anyone else present?

15 A. No.

16 Q. Who do you work for?

17 A. I've already answered that; Syntel.

18 Q. Is that Syntel, Inc.?

19 A. Syntel, Inc.

20 **Q. And what's your role at Syntel?**

21 **A. I'm the general counsel and corporate**

22 **secretary.**

23 Q. And what are your responsibilities in  
24 that role?

25 A. To provide legal advice.

1 ATTORNEYS' EYES ONLY - DANIEL MOORE  
2 A. Because Syntel offered services  
3 regarding Facets prior to the termination.

4 **Q. Okay. When did Syntel begin offering**  
5 **services with tools regarding Facets?**

6 MR. ANKERS: Objection.

7 **A. Based on my investigation and**  
8 **preparation, I believe it would be in or around**  
9 **2012.**

Syntel Objections:  
60:7-60:12  
60:14-60:16  
401, 403

10 **Q. And Syntel continues to offer**  
11 **services with tools regarding Facets today. Is**  
12 **that fair?**

Overruled

13 MR. ANKERS: Objection.

14 **A. To try to be specific, Syntel does**  
15 **offer services regarding Facets and uses tools**  
16 **in providing those services.**

17 Q. Okay. Yeah, I'm just -- I used the  
18 exact words you used to try to avoid having to,  
19 you know, get into some problems. So let me see  
20 if I can use that new formulation to move on.  
21 So you agree that Syntel provides  
22 services regarding Facets, right?

23 A. Yes.

24 Q. And it provides those services to  
25 customers who use the Facets program.

1 ATTORNEYS' EYES ONLY - DANIEL MOORE

2 MR. ANKERS: Objection.

3 Q. Is that fair?

4 A. I believe that to be accurate.

5 Q. Okay. And the -- some of those

6 services at least use certain tools. Is that

7 fair?

8 MR. ANKERS: Objection.

9 A. Yes.

10 **Q. Okay. Syntel began providing**

11 **Facets-related services to customers in**

12 **approximately 2012? Is that correct?**

13 **A. I believe that to be accurate.**

14 **Q. And Syntel continues to provide**

15 **Facets-related services to customers today?**

16 MR. ANKERS: Objection.

17 **Q. Is that right?**

18 **A. Yes.**

19 **Q. And it continues to use tools in**

20 **connection with providing those Facets-related**

21 **services today. Is that fair?**

22 **A. Yes.**

23 Q. And Syntel has provided

24 Facets-related services to customers

25 continuously between 2012 and 2018. Is that

Syntel Objections:

61:10-61:15

61:17-61:22

401, 403

Overruled

1 ATTORNEYS' EYES ONLY - DANIEL MOORE  
2 using TriZetto's Facets-related services. Is  
3 that fair?

4 A. It is fair to state that those  
5 clients probably have the option of using either  
6 TriZetto to provide those services or Syntel or  
7 another third party.

8 **Q. Okay. The tools that Syntel uses in**  
9 **providing Facets-related services to clients**  
10 **include a tool called Step-Up Probe. Is that**  
11 **right?**

12 MR. ANKERS: Objection.

13 **A. I recall seeing the name of that**  
14 **tool, yes.**

15 Q. Okay. And they also include Factory.  
16 Is that right?

17 A. I don't believe that's a tool.

18 Q. They include Key Word Generator?

19 MR. ANKERS: Objection.

20 A. In my investigation, I did come  
21 across the Key Word Generator.

22 Q. Did you say you did?

23 A. I did, I did.

24 **Q. And they also include the D2 Data**  
25 **Generator. Is that right?**

**1 ATTORNEYS' EYES ONLY - DANIEL MOORE**

**2 A. I recall seeing that listed as a**

**3 tool.**

4 Q. And --

5 A. I do not know what that is.

6 Q. Okay. I'm sorry, I didn't mean to

7 interrupt you.

8 F-Connect is another tool that Syntel

9 uses in connection with providing Facets-related

10 services? Is that right?

11 A. In my investigation and preparation,

12 I did see F-Connect listed as a tool, although I

13 do not know what it does.

14 Q. And Data Mocker is another tool that

15 Syntel uses in connection with providing

16 Facets-related services to customers?

17 A. Same answer as with F-Connect.

18 Q. That you're familiar with it, but

19 you're not familiar with the detailed workings

20 of it?

21 A. That's correct.

22 Q. Now, isn't it true that at a high --

23 strike that. Let me start over.

24 Isn't it true that Syntel used

25 confidential TriZetto information in connection

1 ATTORNEYS' EYES ONLY - DANIEL MOORE

2 A. Based on my investigation and  
3 conversation, that is Syntel's position, that is  
4 correct.

5 Q. And you said a moment ago that my  
6 client never complained in 2014 about Syntel  
7 using confidential TriZetto information to  
8 develop competing services, right?

9 A. In my investigation and  
10 conversations, no one has informed me that  
11 TriZetto complained in 2014 about Syntel using  
12 TriZetto confidential information to develop  
13 competing products.

14 Q. Now, of course in 2014, my client  
15 didn't have the confidential discovery that  
16 Syntel has provided in this lawsuit, fair?

17 A. That's fair.

18 Q. And in -- and my client didn't have  
19 the results of the forensic examination by the  
20 forensic examiner that located my client's  
21 confidential information in Syntel's possession,  
22 right?

23 A. That is correct.

24 Q. It took this lawsuit to reveal that

25 **your company had kept my client's confidential**

Syntel Objections:  
83:25-84:7  
401, 403, DI 1494, PTC

Overruled

1 **ATTORNEYS' EYES ONLY - DANIEL MOORE**

2 **information after the contract was terminated,**

3 **right?**

4 **A. Without acknowledging that it is**

5 **confidential information, after this lawsuit was**

6 **filed, Syntel did discover TriZetto documents on**

7 **its system.**

8 Q. And, in fact, it wasn't Syntel only

9 that discovered that. It took a neutral

10 forensic examiner appointed by the Court to

11 figure that out, right?

12 A. No, that's incorrect. Syntel

13 determined it itself prior to the appointment of

14 the forensic examiner.

15 Q. Okay. Initially in providing

16 discovery in this case, Syntel claimed it didn't

17 have my client's confidential information. Is

18 that right?

19 A. I believe that to be true.

20 Q. Then just before the forensic

21 examiner was going to issue the report of the

22 forensic examination, your client changed its

23 story, right?

24 A. I don't believe that to be accurate.

25 Q. Before the forensic examiner issued

1 ATTORNEYS' EYES ONLY - DANIEL MOORE  
2 that your company didn't use my client's  
3 confidential information in connection with  
4 developing competing services?

5 A. No.

6 Q. Okay. Have you heard of test cases  
7 before?

8 A. Yes.

9 **Q. Okay. Your company kept TriZetto**

10 **test cases after terminating the relationship**

11 **with TriZetto, right?**

12 MR. ANKERS: Objection.

Syntel Objections:

104:9-104:11

104:13-104:16

401, 403, DI 1494, PTC

Overruled

13 **A. I understand that some historical**

14 **test cases or test scenarios were discovered on**

15 **the laptop of Ankur Chadha in a file named**

16 **Priyanka Jain.**

17 Q. And those are files from my client,  
18 TriZetto, right?

19 A. I don't know that to be a fact.

20 Q. Are those files confidential TriZetto  
21 information under the master services agreement?

22 A. I don't know the answer to that  
23 question.

24 Q. If they are, do you agree that your  
25 company's possession of those files is a breach



# EXHIBIT 5

# Reddy, Murlidhar

## Standard Transcript Report



**Reddy, Murlidhar**

**2018-03-21**

**Reddy, Murlidhar**

**2018-03-22**

TriZetto Designations

Syntel Counter Designations



1 MURLIDHAR REDDY SAMALA,  
2 called as a witness, having been first duly sworn,  
3 was examined and testified as follows:

4 EXAMINATION

5 BY MR. CUTRI:

6 Q. Good morning, Mr. Reddy.

7 A. Good morning.

8 Q. Am I pronouncing that right -- Reddy?

9 A. Yeah.

10 **Q. Okay. Mr. Reddy, would you please**

11 **provide your full name for the record?**

12 **A. Murlidhar Reddy Samala.**

13 Q. And can you spell that?

14 A. M-U-R-L-I-D-H-A-R; Reddy, R-E-D-D-Y;

15 S-A-M-A-L-A.

16 Q. Have you ever been deposed before,

17 Mr. Reddy?

18 A. No.

19 Q. So you understand that you're here under

20 oath; correct?

21 A. Yes.

22 Q. And I'm going to be asking questions

23 today. And if you don't hear or understand the

24 question, will you do your best to let me know?

1 so was that on Monday and Tuesday? Or just  
2 yesterday?

3 A. I spent a few hours on Sunday too.

4 Q. Okay.

5 A. Monday and Tu

**Withdrawn**

6 Q. [REDACTED]

7 where do you work?

8 A. I work for Syntel.

9 Q. Okay. Do you know which Syntel entity  
10 you work for?

11 A. Syntel Private Limited.

12 (Court reporter clarification.)

13 A. Syntel Private Limited.

14 Q. (By Mr. Cutri) So you work for Syntel  
15 Private Limited. Do you know the name of the  
16 entities that filed this lawsuit?

17 A. I don't recall all entities, but I think  
18 it was Best Shores Mauritius, probably --  
19 (Court reporter clarification.)

20 A. It was Best -- Syntel Best Shores  
21 Mauritius and probably all its affiliates too, or  
22 some of the affiliates.

23 Q. Do you know if Syntel, Inc., is a  
24 plaintiff in this case?

1 Q. And what is Syntel Private Limited's  
2 business?

3 A. It's an IT services company. We also  
4 provide computer services.

5 Q. Okay. And what does KPO stand for?

6 A. Knowledge processing outsourcing.

7 **Q. And what is your title at Syntel Private**  
8 **Limited?**

9 **A. It's SVP and BU head, healthcare.**

10 **Q. And what does SVP stand for?**

11 **A. Se**

**Withdrawn**

14 Q. Okay. I understand that there are a  
15 number of verticals at Syntel; is that correct?

16 A. Yes.

17 Q. How many verticals are there at Syntel,  
18 approximately?

19 A. Six.

20 Q. And is healthcare one of those verticals?

21 A. Yes.

22 Q. Is a -- is the business unit the same  
23 thing as a vertical?

24 A. It's often used interchangeably.

1 (Court reporter clarification.)

2 A. The delivery director

**Withdrawn**

7 Q. And you were in the delivery director --

8 so you were delivery director in automotive and you

9 went straight to the -- your current role in

10 healthcare?

11 A. No.

12 Q. Okay.

13 A. There was an intermediate role.

14 Q. Okay.

15 A. I was the operations head for the

16 healthcare and life sciences.

17 Q. How long were you operations head for

18 healthcare and life sciences?

19 A. Probably between 2006 to 2011.

20 Q. Oh, I see. So you were -- is it correct

21 to say that you were in the healthcare business

22 unit -- you worked in the healthcare business unit

23 from 2006 forward?

24 A. Yes.

1 Sinha's name?

2 A. N-E-E-R-A-J, S-I-N-H-A.

3 Q. Got it. Okay.

4 A. Rajeev Dsai.

5 Q. Is that -- can you spell that as well?

6 A. R-A-J-E-E-V, D-S-A-I.

7 Q. Okay.

8 A. Shinju, S-H-I-N-J-U, Damodaran,

9 D-A-M-O-D-A-R-A-N. Manish Borhade, M-A-N-I-S-H,

10 B-O-R-H-A-D-E.

11 (Court reporter clarification.)

12 A. Yes.

13 Q. (By Mr. Cutri) And then how many people

14 are there in the healthcare vertical?

15 A. I don't have an exact number. Probably

16 around 2,400 people.

**Withdrawn**



**Withdrawn**

12 Q. And what are hosting-related services?

13 A. TriZetto has a host -- hosting

14 infrastructure available for their customers. We

15 provide services on that infrastructure.

16 Q. And when you say hosting, what do you

17 mean? Do you mean hosting software or?

18 A. They had both hardware and software

19 hosted for their clients.

20 Q. And you said that began in roughly 2007,

21 to the best of your knowledge?

22 A. Yes.



**Withdrawn**



# Withdrawn

5 Q. So when you say it went from a  
6 multisourcing environment, what do you mean? Do you  
7 mean that TriZetto had multiple providers of the  
8 outsourcing services and then...

9 So let me ask that question. When you  
10 say multisource environment, do you mean that  
11 TriZetto originally had multiple providers of  
12 outsourcing services?

13 A. They had an option to it. I don't know  
14 how many they had.

15 Q. And then you said it changed to a build,  
16 operate, and transfer model. What does that mean?

17 A. So the relationship included the  
18 possibility of buying out the entity in defined  
19 periods of time. So you build, you operate, and  
20 then transfer based on purchase option that was  
21 available.

22 Q. So when you say build, operate, and  
23 transfer the entity, what do you mean?

24 A. Can you explain the question?

- 1 Q. (By Mr. Cutri) Okay. During the  
2 relationship between Syntel and TriZetto, did Syntel  
3 have access to any of TriZetto's confidential  
4 information?  
5 A. I think so.

Withdrawn

- 15 Q. What advantage did having TriZetto's  
16 confidential information give to Syntel with respect  
17 to executing work --  
18 MR. NORBITZ: Objection.  
19 Q. (By Mr. Cutri) -- for TriZetto?  
20 MR. NORBITZ: Objection.  
21 A. I didn't understand your question.

- 22 Q. (By Mr. Cutri) Why -- why was it useful  
23 for Syntel to have TriZetto's confidential  
24 information?

1 MR. NORBITZ: Objection.

2 **A. Without having that information, you**

3 **can't execute work.**

4 **Q. (By Mr. Cutri) Okay. And what kind of**

5 **work are you talking about when you say you can't**

6 **execute the work?**

7 MR. NORBITZ: Objection.

8 **A. Any software service. It could be**

9 **development of an interface. It could be writing a**

10 **report.**

11 **Q. (By Mr. Cutri) And so Syntel needed**

12 **TriZetto's confidential information in order to**

13 **develop interface, write reports, or provide**

14 **software services; correct?**

15 **A. That's right.**

16 **Q. And TriZetto gave Syntel access to its**

17 **confidential information for the purpose of allowing**

18 **Syntel to do work for TriZetto; correct?**

19 **A. That's right.**

20 Q. Did TriZetto give Syntel access to its

21 confidential information for any other purpose

22 beyond doing work for TriZetto?

23 MR. NORBITZ: Objection.

24 A. I didn't understand this question.

1 Q. (By Mr. Cutri) Sure. Did TriZetto give  
2 access -- Syntel access to TriZetto's confidential  
3 information for any purpose other than doing work  
4 for TriZetto?

5 MR. NORBITZ: Objection.

6 A. I -- I still am not able to get the  
7 question.

8 Q. (By Mr. Cutri) Sure. What -- what's  
9 giving you trouble?

10 A. I still don't understand the question. I  
11 thought I answered that question.

12 Q. Okay. What -- what was your answer?

13 MR. NORBITZ: Objection.

14 A. TriZetto gave confidential -- property to  
15 Syntel, right, to execute work for TriZetto.

16 Q. (By Mr. Cutri) Okay. And -- okay,  
17 that's -- I think we're talking about the same  
18 thing.

19 So TriZetto gave confidential information  
20 to Syntel to execute work for TriZetto; correct?

21 A. Can you repeat that again?

22 **Q. Sure. TriZetto gave confidential**

23 **information to Syntel to execute work for TriZetto;**

24 **correct?**

1 A. For TriZetto or TriZetto's customers?

2 But TriZetto was a -- the cases where -- if TriZetto

3 has another customer, right, the confidential

4 material is available to work on behalf of TriZetto

5 for their end customer.

6 Q. Right. And the reason that TriZetto gave

7 confidential information to Syntel was to execute

8 work for TriZetto in the context of the MSA; right?

9 A. That's right.

10 Q. All right. TriZetto did not give Syntel

11 permission to use its confidential information for

12 any other purpose; correct?

13 MR. NORBITZ: Objection.

14 A. I'm not aware of it.

15 Q. (By Mr. Cutri) And do you know if Syntel

16 used TriZetto's confidential information for any

17 other purpose other than executing for work -- work

18 for TriZetto under the MSA?

19 MR. NORBITZ: Objection.

20 A. I am not aware of it.

21 Q. (By Mr. Cutri) So getting back to the

22 solicitation of employees -- well, let me come back

23 to that.

24 MR. CUTRI: Let me mark a Deposition Exhibit 1.

1 entity?

2 A. I don't remember anything beyond that.

3 Q. Okay. Let's look at Exhibits 13 and 14

4 and 15.

5 (WHEREUPON, a certain document was

6 marked Exhibit 13, for

7 identification, as of

8 March 21, 2018.)

9 (WHEREUPON, a certain document was

10 marked Exhibit 14, for

11 identification, as of

12 March 21, 2018.)

13 (WHEREUPON, a certain document was

14 marked Exhibit 15, for

15 identification, as of

**Withdrawn**

22 Q. This is our call to TriZetto. And then

23 the attachment is labeled board meeting 20140914 --

24 20140914, and there is a presentation attached.

1 A. Uh-huh.  
2 Q. So that's Item 14. There's also another  
3 presentation attached to this email which is POD  
4 plus. That one is 15. So what we did is we printed  
5 them both out. Does that make sense?

6 **So I'm going to ask you about Exhibit 14**  
7 **first, which should say TriZetto, Change of Control,**  
8 **Leveraging New Opportunities. Does it say that or**  
9 **no?**

10 A. This one?

11 Q. Yeah. Exhibit --

12 A. Okay.

Syntel  
Objections:  
230:6-230:20  
401, 403, DI  
1494, PTC

See Exhibit rulings



**Withdrawn**

21 Q. I don't know if it has a number on it,  
22 but eventually the -- the numbers start on Slide 3.  
23 A. Yeah.  
24 Q. Okay. So what I think is Slide 2 is

1 investor deck.

2 Q. Okay. And then it says: We cherished  
3 our relationship with TriZetto (earned 110 million  
4 in revenue).  
5 Is that your understanding of  
6 approximately how much revenue Syntel earned over  
7 the life of its engagement with TriZetto?

8 A. Yes.

9 **Q. Okay. And then it says: What a relief.**

10 **We can now generate 100 million/PY. Is that 100**  
11 **million per year?**

12 **A. That's right.**

13 Q. And were you conveying to the board that  
14 you -- you thought that there was an opportunity  
15 to -- to actually generate something closer to  
16 \$100 million per year now that the  
17 Cognizant-TriZetto transaction had happened?

18 A. So this is -- I'll give you the context  
19 too.

20 **Q. Uh-huh.**

21 **A. This was probably four or five days a. er**  
22 **the announcement has happened, right?**

23 **Q. Yeah. I think it's -- the email is from**  
24 **September 27, so --**

Syntel Objections:  
233:9-233:12  
401, 403, DI 1494,  
PTC

See Exhibit rulings

Overruled.



1 A. No, the presentation was made.

2 Q. Oh, I see. I got what you're saying.

3 Got it.

4 A. Yeah. So obviously I had to go to the

5 board with something positive.

6 Q. I don't mean to be laughing. I just -- I

7 can imagine the situation. That's why I'm thinking

8 it's -- it's a challenging situation. But go ahead.

9 A. So I wanted to convey that there's a

10 positivity in every situation, right.

11 Q. Right. And so this was perhaps

12 aspirational?

13 A. Yes.

**Withdrawn**

# Withdrawn

2 A. See if you get --

3 MR. NORBITZ: Objection.

4 Q. (By Mr. Cutri) And I'm happy to --

5 A. Yeah.

6 Q. There is a Slide 5.

# Withdrawn

ntel Objections:  
5:7-236:1  
1, 403, DI 1494,  
C

12 Q. Got it. And if you look at Slide 5 --

13 A. Okay.

14 Q. -- it says: Strategy to drive value,

15 100 million revenues. Am I correct that the -- the

16 plan would have been to -- to largely generate that

17 100 million by way of winning new -- new accounts

18 and expanding existing accounts, which is the

19 \$70 million portion in the second row?

20 A. Yes.

21 Q. Okay.

22 A. And not all 70 million would be coming

23 from the TriZetto products. It's -- when you get in

24 with the TriZetto product, you expand. That's what

See Exhibit rulings.  
Objection to testimony is  
overruled.

1       **it means.**

2       Q. And what do you mean? Sorry. What do  
3       you mean by that?

4       A. Yeah, you provide -- provide non -- a lot  
5       of non-TriZetto services, not every customer.

6       **Q. I see. So what you're saying is if**

7       **you -- if Syntel could win an engagement with, let's**

8       **say, an insurance company that used a TriZetto**

9       **product, there was an opportunity to Syntel to also**

10       **sell other services that didn't have anything to do**

11       **with TriZetto's product?**

12       **A. Yeah.**

13       Q. And what would be an example of other  
14       services?

15       A. It could be a billing system, management  
16       of a billing system. It could be -- there could be  
17       three other products that are used in that  
18       ecosystem, right. So the -- it's a combined  
19       revenue. We don't look at revenue in an isolation.  
20       It's a combined revenue.

21       Q. Got it. Okay. Going back to -- well, to  
22       the best of your -- on this topic, to the best of  
23       your knowledge, what has been the actual revenues  
24       that have been realized as a result of the

Syntel Objections:  
236:6-236:12  
401, 403, DI 1494,  
PTC

Overruled.

- 1 What do you mean when you say  
2 IP/Solution?  
3 A. We created certain accelerators.  
4 Accelerators.

**Withdrawn**

- 13 MR. NORBITZ: Object

**Withdrawn**

- 16 Q. (By Mr. Cutri) Okay. If you go to the  
17 next page.  
18 A. Uh-huh.  
19 Q. On page Slide 6, it says: Execute 30-,  
20 60-, 90-day plan. Redeploy teams to TZ customers.  
21 Do you see that?  
22 A. Yes.  
23 Q. What does that mean?  
24 A. As there -- again, this was an early

1 Q. You're not sure, oka

**Withdrawn**

5 MR. NORBITZ: Objection

**Withdrawn**

10 Q. Okay. So you're not -- you're not  
11 contending -- when we talk about Syntel's position  
12 about what is Syntel's confidential information, you  
13 are not including information contained in  
14 TriZetto's manuals?

15 A. Yeah. If it was not prepared by Syntel,  
16 definitely prepared by TriZetto. So...

17 Q. And you're not including other  
18 information that was Syntel -- that is, TriZetto's  
19 confidential information, for example, what role  
20 TriZetto wants a Syntel employee to undertake;  
21 correct?

22 A. The role --

23 MR. NORBITZ: Objection.

24 A. -- that Syntel employee performed is

1 Q. Got it. That was not -- United -- that  
2 was not the first instance where Syntel was bidding  
3 against TriZetto; correct? UnitedHealth was not the  
4 first instance --

5 A. Not first instance, yes.

6 Q. -- where Syntel was -- I'm sorry. We're  
7 getting a little bit of cross talk. I'll try that  
8 again.

9 UnitedHealth Group was not the first  
10 instance where Syntel was competing against  
11 TriZetto; correct?

12 MR. NORBITZ: Objection.

13 A. Not just TriZetto, but several others.

14 But it was not the first instance.

**Withdrawn**

20 MR. NORBI

**Withdrawn**

22 Q. (By Mr. Cutri) Okay. Did Syntel use any  
23 of TriZetto's proprietary, confidential,  
24 trade secret, or copyrighted information when it